

THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY

W.P.No.13183 of 2005

Dated 17th day of August, 2005

Between:

Dr. G. Shiva Prasada Reddy,
S/o. Subbi Reddy, aged 47years,
R/o. D.No.9-42/5, Balaji Nagar,
Visakhapatnam – 530 017.

... Petitioner

AND

Municipal Corporation of Visakhapatnam
Represented by its Commissioner,
Aseelmetta Junction, Visakhapatnam.

... Respondent

ORDER:

The writ petition has been filed by Dr. G. Shiva Prasada Reddy with a prayer to issue a Mandamus declaring the action of the respondent-Municipal Corporation of

Visakhapatnam in not paying compensation to the petitioner towards the land of 286 square yards surrendered by him in Survey No.51, Plot No.4, Pedawaltair, Bheemli Beach Road, Visakhapatnam for road widening as illegal and unconstitutional.

The case of the petitioner as disclosed from the affidavit filed in support of the writ petition is that he has purchased a site of 656 square yards in Survey No.51, Plot No.4, Pedawaltair-Bheemly Beach Road, Visakhapatnam under a registered sale deed No.9852/82 dated 27-09-1982 and since then he has been in possession and enjoyment of the same. The respondent-Corporation issued a notice dated 01-10-1999 asking him to surrender 286 square yards towards the road widening. He has given consent for surrendering such extent of land subject to payment of compensation. Since compensation has not been paid so far, he has filed this writ petition invoking jurisdiction of this Court under Article 226 of the Constitution of India.

The learned Standing Counsel appearing for the respondent-Corporation submits that in spite of his repeated instructions to the respondent-Corporation, he has not received any para-wise remarks from the respondent-Corporation and therefore, he is not in a position to controvert the averments made in the writ affidavit.

Heard the learned counsel for the petitioner and perused the record.

It has been specifically stated in the affidavit filed in support of the writ petition that the respondent-Corporation has taken over his land for road widening and so far, compensation has not been paid to him. The respondent-Corporation has also not chosen to controvert the averments made in the writ affidavit. Such is the situation, I deem it appropriate to direct the respondent-Corporation to pay the compensation to the petitioner under the provisions of the Municipal Corporation Act, within two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

B. SESHASAYANA REDDY, J

17th August, 2005

Note: Issue CC in one week

(B/o.)

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